

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/GB2004/001575	International filing date (day/month/year) 08.04.2004	Priority date (day/month/year) 11.04.2003	
International Patent Classification (IPC) or both national classification and IPC G01H1/00			
Applicant OXFORD BIOSIGNALS LIMITED			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <div style="display: flex; align-items: center;"> <div> <p>European Patent Office - P.B. 5818 Patentlaan 2</p> <p>NL-2280 HV Rijswijk - Pays Bas</p> <p>Tel. +31 70 340 - 2040 Tx: 31 651 epo nl</p> <p>Fax: +31 70 340 - 3016</p> </div> </div>	<p>Authorized Officer</p> <p style="text-align: center;">Lorne, B</p> <p>Telephone No. +31 70 340-1002</p> <div style="text-align: right;"> </div>
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/GB2004/001575**10/552745****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001575

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 5 412 985 A (GARCIA DAVID L ET AL) 9 May 1995 (1995-05-09)

D2 : US-B-6 526 8291 (FRANKE DIETER ET AL) 4 March 2003 (2003-03-04)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Document D1 discloses (the references in parenthesis applying to this document) a method of analysing tachometer and vibration response data (column 4, lines 3-5) from an apparatus having a rotary body comprising the following steps :

-providing vibration response data and corresponding tachometer data from the apparatus for a period over which a rotary component of the apparatus varies in rotational speed, the tachometer data being for that component (column 1, lines 41-48);

-repeatedly performing at intervals throughout the period (column 4, lines 61-64) the sub-steps of :

(a) determining a forcing frequency of the component from the tachometer data and a corresponding vibration response frequency of the apparatus from the vibration response data (column 3, lines 3-12);

(b) comparing the forcing and vibration response frequencies to determine the relative phase difference between the frequencies (column 5, lines 55-65)

(c) determining the corresponding amplitude of the vibration response data (column 5, lines 27-54).

- 2.2 In document D1, it is not specified which kind of graphic is chosen to visualize the data (the relative phase difference and vibration amplitudes). The polar diagram seems to be one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill (see for example fig.13 in D2).

3 INDEPENDENT CLAIMS 8,9,10

These claims are related to a computer system, a computer readable media carrying computer code and a computer program for performing the method of claim 1 and are therefore considered, for the same reasons as in paragraph 2, not to involve an inventive step in the sense of Article 33(3) PCT.

4 CLAIMS 2-7

Dependent claims 2-7 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (see documents and the corresponding passages cited in the search report).